IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL REVISION APPLICATION NO.242 OF 2005

Mr. Hanummaa P. Shetty ...Applicant
Vs.
The State of Maharshtra & Anr. ...Respondents

Shri. Rajendra Sorankar for the Applicant.
Shri. K.V. Saste, A.P.P. for the State.
Shri. P.L. Shetty for the Respondent No.2.

CORAM : A.S.OKA, J.
DATED : SEPTEMBER 13, 2005.

P.C.:

1. Rule. Advocate for the Respondent No.2 waives service. The learned A.P.P. waives service for the Respondent No.1. The Advocates appearing for the Applicant and the Respondent No.2 have filed consent terms. The consent terms are taken on record and marked 'X' for identification. The Advocates appearing for the Applicant and the Respondent No.2 state that they have signed the consent terms. They also pointed out that the consent terms are duly signed by the wife of the Applicant and the Respondent No.2 who is the original complainant. It is stated that the Respondent No.2 who is the original complainant is present in the court and she is admitting the correctness of the contents of the consent terms.

2. It is stated in the consent terms that as there is amicable settlement between the parties, the case can be compounded. In paragraph No.6 of the consent terms the Respondent No.2 has recorded no

objection if the Criminal Revision Application filed by the Applicant is allowed and the Applicant is acquitted in the case.

3. I am satisfied that a case is made out for compounding the offence. In view of the consent terms and in view of the statement in paragraph No.6 of the consent terms duly signed by the Respondent No.2, conviction and sentence of the Applicant deserves to be quashed and set aside.

4. Hence, I pass the following order:

: O R D E R :

i) The conviction and sentence of the Applicant in Criminal Application No.407/S/2002 is quashed and set aside and the Applicant is acquitted of the offence punishable under section 138 of the Negotiable Instruments Act, 1881.

ii) The Bail Bond of the Applicant stands cancelled.

iii) By the consent of the parties the Applicant is permitted to withdraw a sum of Rs.5,000/- deposited by the Applicant in the Trial Court by way of fine.

iv) Parties to act upon an authenticated copy of

this order.

JUDGE